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In re Patent No. 7,101,550 :
Issued : September 5, 2006 : DECISION ON APPLICATION
Application No. 10/068,215 : FOR PATENT TERM ADJUSTMENT
Filed: February 6, 2002 :
Atty. Dkt. No.: GNN-004BDV :

This is a decision on the "REQUEST FOR RECONSIDERATION OF DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT," filed April 17, 2007. This matter is being treated as a request for reconsideration under 37 CFR 1.705(d).

The application for patent term adjustment (PTA) under 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,101,550 on September 5, 2006. The instant request for reconsideration was timely filed November 6, 2006 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 287 days. An application for patent term adjustment was filed November 6, 2006 and dismissed March 20, 2007, the adjustment of 287 days having been upheld.

Patentees argue that the reduction 107 days in connection with the drawings filed May 22, 2006 is in error and that the correct period of adjustment should be 87 days rather than 107 days. Patentees argue that the period of reduction under 37 CFR 1.704(c)(10) began May 22, 2006, the date that the drawings were submitted, and ended August 16, 2006, the date that the Issue Notification was mailed.

Patentees contend that August 16, 2006, the date issuance of the Issue Notification was mailed, was the "date of the Office action or notice in response to the amendment under § 1.312 or such other paper" was mailed in accordance with 37 CFR 1.704(c)(10)(i).

Patentees' arguments have been carefully considered, but are not persuasive.

As previously indicated, the reduction of 107 days commenced May 22, 2006, the date the drawings were submitted, and ended September 5, 2006, the date the patent issued.

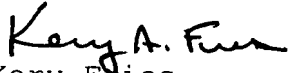
The mailing of the Issue Notification was not mailed in response to the drawing submission. Instead, once an application is assigned a patent number and issue date about ~~ten~~^{twenty} days before the application issues as a patent, an Issue Notification is mailed to inform the applicant of the patent number and issue date. See, MPEP 1309.

Accordingly, the mailing of the Issue Notification was not in response to the drawings submission, but merely to inform applicants of the patent number and issue date assigned to the application.

In view thereof, at the time of issuance, the patent was entitled to a patent term adjustment of 287 days, as indicated on the patent.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date of this decision. Extensions of time under 37 CFR 1.136 are not available. Patentees are advised that no reconsideration will be forthcoming thereafter.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


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